

Mississippi Secretary of State

ADMINISTRATIVE PROCEDURES NOTICE FILING

AGENCY NAME The Mississippi Department of Environmental Quality		CONTACT PERSON Ted Lampton, Senior Attorney	TELEPHONE NUMBER 601-961-5573	
ADDRESS P.O. Box 2261		CITY Jackson	STATE MS	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	SUBMIT DATE 8/27/15	Name or number of rule(s): 11 Miss. Admin. Code Pt. 1, Ch. 1 ("Commission Regulations regarding the Delegation of Authority from the Mississippi Commission on Environmental Quality to the Executive Director of the Mississippi Department of Environmental Quality")		

Short explanation of rule/amendment/repeal and reason(s) for proposing rule/amendment/repeal: This proposed rule will amend the present regulation to clarify the Executive Director's authority to issue Orders under circumstances prescribed by Mississippi Surface Coal Mining and Reclamation Law, Miss. Code Ann. §53-9-69(1)(b), to delegate further authority from the Mississippi Commission on Environmental Quality to the Executive Director, consistent with the law, and to make numerous formatting changes.

Specific legal authority authorizing the promulgation of rule: Miss. Code Ann. § 49-2-9(1)(b) (Rev. 2012).

List all rules repealed, amended, or suspended by the proposed rule: 11 Miss. Admin. Code Pt. 1, Ch. 1

ORAL PROCEEDING:

☒ An oral proceeding is scheduled for this rule on Date: 10/14/15 Time: 4:00 p.m. Place: Mississippi Department of Environmental Quality, First Floor Hearing Room, 515 East Amite Street, Jackson, Mississippi 39201

☐ Presently, an oral proceeding is not scheduled on this rule.

If an oral proceeding is not scheduled, an oral proceeding must be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) or more persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address, email address, and telephone number of the person(s) making the request; and, if you are an agent or attorney, the name, address, email address, and telephone number of the party or parties you represent. At any time within the twenty-five (25) day public comment period, written submissions including arguments, data, and views on the proposed rule/amendment/repeal may be submitted to the filing agency.

ECONOMIC IMPACT STATEMENT:

☐ Economic impact statement not required for this rule. ☒ Concise summary of economic impact statement attached.

TEMPORARY RULES	PROPOSED ACTION ON RULES	FINAL ACTION ON RULES
_____ Original filing _____ Renewal of effectiveness To be in effect in _____ days Effective date: _____ Immediately upon filing _____ Other (specify): _____	Action proposed: _____ New rule(s) <u>X</u> Amendment to existing rule(s) _____ Repeal of existing rule(s) _____ Adoption by reference Proposed final effective date: <u>X</u> 30 days after filing _____ Other (specify): _____	Date Proposed Rule Filed: _____ Action taken: _____ Adopted with no changes in text _____ Adopted with changes _____ Adopted by reference _____ Withdrawn _____ Repeal adopted as proposed Effective date: _____ 30 days after filing _____ Other (specify): _____

Printed name and Title of person authorized to file rules: Ted Lampton, Senior Attorney, MDEQ

Signature of person authorized to file rules: //s// Ted Lampton

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Accepted for filing by	Accepted for filing by 	Accepted for filing by

#21487

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

SOS APA Form 002
Rev. 6/12



DELBERT HOSEMAN
Secretary of State

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

An Economic Impact Statement is required for this proposed rule by Section 25-43-3.105 of the Administrative Procedures Act. This is a Concise Summary of the Economic Impact Statement which must be filed with the Secretary of State's Office.

AGENCY NAME The Mississippi Department of Environmental Quality	CONTACT PERSON Ted Lampton, Senior Attorney		TELEPHONE NUMBER 607-961-5573
ADDRESS P.O. Box 2261	CITY Jackson	STATE Mississippi	ZIP 39225
EMAIL Ted_Lampton@deq.state.ms.us	DESCRIPTIVE TITLE OF PROPOSED RULE 11 Miss. Admin. Code Pt. 1, Ch. 1 ("Commission Regulations regarding the Delegation of Authority from the Mississippi Commission on Environmental Quality to the Executive Director of the Mississippi Department of Environmental Quality")		
Specific Legal Authority Authorizing the promulgation of Rule: Miss. Code Ann. § 49-2-9(1)(b) (Rev. 2012).	Reference to Rules repealed, amended or suspended by the Proposed Rule: 11 Miss. Admin. Code .Pt. 1, Ch. 1		

A. Estimated Costs and Benefits

1. Briefly summarize the benefits that may result from this regulation and who will benefit:

This proposed amendment to the existing rule will further a more efficient process by which the Mississippi Commission on Environmental Quality ("Commission"), through the Executive Director of the Mississippi Department of Environmental Quality ("Executive Director"), can make decisions and enforce the laws it has been tasked with enforcing. This proposed amendment will benefit not only the Commission in allowing for further efficiency through delegation, but it will also benefit the public as a whole. A more efficient process allows for less of the taxpayer's dollars spent and it also allows for the Commission, through the Executive Director, to enforce environmental laws in a more efficient manner, allowing decisions to be made in an accelerated manner, which can benefit the public health and environment.

This proposed rule also provides clarification of the Executive Director's authority to issue Orders under circumstances prescribed by Mississippi Surface Coal Mining and Reclamation Law, Miss. Code Ann. §53-9-69(1)(b). Further clarity of the Executive Director's authority in regards to this law will benefit the public by clarifying the Executive Director's delegated authority under the Mississippi Surface Coal Mining and Reclamation Law and under what circumstances the Executive Director may act upon such authority.

2. Briefly describe the need for the proposed rule:

This proposed amendment allows for further delegation of the Commission on Environmental

Quality's authority to the Executive Director of the Mississippi Department of Environmental Quality, where the law permits. This allows the Executive Director or his designees, in the applicable circumstances, to make decisions, issue Orders, etc. on behalf of the Commission. This is needed to further a more efficient process by which the Commission, through the Executive Director, can make decisions and enforce the laws it has been tasked with enforcing.

This proposed rule also provides clarification of the Executive Director's authority to issue Orders under circumstances prescribed by Mississippi Surface Coal Mining and Reclamation Law, Miss. Code Ann. §53-9-69(1)(b). This is needed to further explain the Executive Director's authority in regards to this law; to clarify the extent of the Executive Director's delegated authority under the Mississippi Surface Coal Mining and Reclamation Law and under what circumstances the Executive Director may act upon such authority.

3. Briefly describe the effect the proposed action will have on the public health, safety, and welfare:

This proposed amendment allows for the Commission, through the Executive Director, to enforce environmental laws in a more efficient manner, allowing decisions to be made in an accelerated manner, which can benefit the public health and environment.

4. Estimated Cost of implementing proposed action:

a. To the agency

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

b. To other state or local government entities

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

5. Estimated Cost and/or economic benefit to all persons directly affected by the proposed rule:

c. Cost:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

d. Economic Benefit:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

6. Estimated impact on small businesses:

☒ Nothing ☐ Minimal ☐ Moderate ☐ Substantial ☐ Excessive

a. Estimate of the number of small businesses subject to the proposed regulation:

This proposed amendment to the existing regulation will apply statewide. The effect, if any, of this proposed amendment on persons or businesses, is that it would allow for decision making to be made in a more timely fashion (Executive Director in lieu of the Commission).

b. Projected costs for small businesses to comply:

There are no projected costs for small businesses to comply with because this amendment is administrative in nature.

c. Statement of probable effect on impacted small businesses:

The proposed amendment should result in a more efficient and streamlined decision making process for the Commission, through the Executive Director. Thus, there should be no probable effects on small businesses by making the decision making process more efficient, other than to provide clarification to such businesses, as well as the rest of the public, what the Executive Director is able to do via the Commission's delegation.

7. The cost of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☐ substantially less than ☐ moderately less than ☐ minimally less than
☒ the same as ☐ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than
8. The benefit of adopting the rule compared to not adopting the rule or significantly amending the existing rule (check option):
☐ substantially less than ☐ moderately less than ☐ minimally less than
☒ the same as ☒ minimally more than ☐ moderately more than
☐ substantially more than ☐ excessively more than

B. Reasonable Alternative Methods

1. Other than adopting this rule, are there less costly or less intrusive methods for achieving the purpose of the proposed rule?
☐ yes ☒ no
2. If yes, please briefly describe available, reasonable alternative(s) and the reasons for rejecting those alternatives in favor of the proposed rule. (Please see §25-43-4.104 for factors you must consider.)
 N/A

C. Data and Methodology

1. Please briefly describe the data and methodology you used in making the estimates required by this form.
 Because there are no additional costs associated with the proposed amendment, no data was available and no methodology was required.

D. Public Notice

1. Where, when, and how may someone present their views on the proposed rule and request an oral proceeding on the proposed rule if one is not already scheduled?

Any interested party may submit comments regarding the proposed amendments to 11 Miss. Admin Code Pt. 1, Ch. 1 by submitting the comments in writing to Ted Lampton, Senior Attorney, Mississippi Department of Environmental Quality. The mailing address is P.O. Box 2261, Jackson, Mississippi 39225-2261 or by email (Ted_Lampton@deq.state.ms.us). In order to be considered, written comments should be delivered to MDEQ by 5p.m. on Wednesday, October 14, 2015. Members of the Public also may present verbal or written comments on the proposed amendments at the public hearing on Wednesday, October 14, 2015 at 4 p.m. in the Commission Hearing Room situated on the first floor at MDEQ's office located at 515 E. Amite Street, Jackson, Mississippi.

SIGNATURE //s// <i>Ted Lampton</i>	TITLE Senior Attorney, MDEQ
DATE 8/27/15	PROPOSED EFFECTIVE DATE OF RULE 30 days after final filing